

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

Case No.

vs.

Honorable

ICHIBAN JAPANESE RESTAURANT, LLC,
d/b/a ICHIBAN JAPANESE STEAKHOUSE,

Defendant.

COMPLAINT
AND JURY DEMAND

_____/

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of pregnancy and to provide appropriate relief to Rachel Creech-Schultz who was adversely affected by such practices, as alleged with greater particularity in paragraph 10. The Equal Employment Opportunity Commission (the “Commission”) alleges that Defendant, Ichiban Steakhouse, discriminated against Creech-Schultz and similarly situated women on the basis of their sex by discharging them because they were pregnant.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343, and 1345. This action is authorized and instituted pursuant to Sections 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as

amended, 42 U.S.C. § 2000e-5(f)(1) and (3), and pursuant to Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court, Eastern District of Michigan, Southern Division.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the “Commission”), is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) and (3) of Title VII, 42 U.S.C. §§ 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant Employer (“the Employer”) has continually been a Michigan corporation doing business in the State of Michigan and the city of Jackson, and has continuously had at least fifteen (15) employees.

5. At all relevant times, Defendant Employer has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g), and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g), and (h).

ADMINISTRATIVE PROCEDURES

6. More than thirty days prior to the institution of this lawsuit, Rachel Creech-Schultz filed a charge with the Commission alleging violations of Title VII by Defendant Employer.

7. On July 13, 2017, the Commission issued to Defendant Employer a Letter of Determination finding reasonable cause to believe that Title VII was violated and inviting Defendant to join with the Commission in informal methods of conciliation to endeavor to eliminate the unlawful employment practices and provide appropriate relief.

8. On August 17, 2017, the Commission issued to Defendant Employer a Notice of Failure of Conciliation advising Defendant that the Commission was unable to secure from Defendant a conciliation agreement acceptable to the Commission.

9. All conditions precedent to the institution of this lawsuit have been fulfilled.

STATEMENT OF CLAIMS

10. On or about May 28, 2015, Defendant Employer engaged in an unlawful employment practice in violation of Section 701 of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2(a)(1), by discriminating against Creech-Schultz on the basis of her sex by discharging her because she was approximately six months pregnant. Defendant also discriminated against other similarly situated women by discharging them because they were pregnant.

11. The effect of the conduct complained of in paragraph 10 above has been to deprive Creech-Schultz and other similarly situated women of equal employment opportunities and otherwise adversely affect their status

as an employee.

12. The unlawful employment practices complained of in paragraph 10 above were and are intentional.

13. The unlawful employment practices complained of in paragraph 10 above were done with malice or with reckless indifference to the federally protected rights of Creech-Schultz and other similarly situated women.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. GRANT a permanent injunction enjoining Defendant Employer, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in sex discrimination and in particular discrimination based on pregnancy by discharging employees because they are pregnant.

B. ORDER Defendant Employer to institute and carry out policies, practices, and programs which provide equal employment opportunities for all of its job applicants and employees, including pregnant individuals, and which eradicate the effects of its past and present unlawful employment practices.

C. ORDER Defendant Employer to make whole Creech-Schultz and the other similarly situated women by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices.

D. ORDER Defendant Employer to make whole Creech-Schultz and the other similarly situated women by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 10 above in amounts to be determined at trial.

D. ORDER Defendant to make whole Creech-Schultz and the other similarly situated women by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraph 10 above in amounts to be determined at trial.

E. ORDER Defendant Employer to pay punitive damages for its malicious or reckless conduct described in paragraph 10, above, in amounts to be proven at trial.

F. GRANT such further relief as the Court deems necessary and proper in the public interest.

G. AWARD the Commission its costs for this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its Complaint.

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

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Dated: September 26, 2017

s/ Nedra Campbell
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